OTPE 120

AUG 9 1 2005									
To make			Application No.	10/039,652					
TRANS	SMITTAL FO	ORM	Filing Date	December 31, 2001					
(to be used for all correspondence after initial filing)			First Named Inventor	Rajeev K. Nalawadi					
			Art Unit	2116					
			Examiner Name	Elamin, Abdelmoniem I.					
Total Number of F	Pages in This Submission	n 25	Attorney Docket Number	42390P11491					
ENCLOSURES (check all that apply)									
Fee Transmittal	Fee Transmittal Form		1	After Allowance Communication to Group					
Fee Attach	ned	Licensing-related Papers		Appeal Communication to Board of Appeals and Interferences					
Amendment / Re	sponse	Petition		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)					
After Fina Affidavits/	l declaration(s)	Petition to C Provisional	Convert a Application	Proprietary Information					
Extension of Time Request		Power of Attorney, Revocation Change of Correspondence Address		Status Letter					
Express Abandonment Request		Terminal Disclaimer		Other Enclosure(s) (please identify below):					
Information Disclosure Statement		Request for Refund		Return receipt postcard					
PTO/SB/08		CD, Number of CD(s)							
Certified Copy of Priority Document(s)									
Response to Missing Parts/ Incomplete Application  Basic Filing Fee  Declaration/POA  Response to Missing Parts under 37 CFR		Remarks  Ex. 1: WEBOPEDIA definitions of "flash memory" and "register"							
1.32 0/ 1.3	1.52 or 1.53  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT								
Fim or Individual name Joseph Lutz, Reg. No. 43,765  BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  Signature									
Date august 19 3005									
CERTIFICATE OF MAILING/TRANSMISSION									
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.									
Typed or printed name Marilyn Bass									
Signature	IYMULA	line	74/VV 1	Date   08 - &9 ~05]					

Based on PTO/SB/21 (04-04) as modified by Blakely, Solokoff, Taylor & Zafman (wtr 06/04/2004. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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# FEFERANSMITTAL for FY 2005 Patent fees are subject to annual revision. Applicant claims small entity status. See 37 CFR 1.27. TOTAL AMOUNT OF PAYMENT (\$) Complete if Known Application Number 10/039,652 Filing Date December 31, 2001 First Named Inventor Rajeev K. Nalawadi Examiner Name Elamin, Abdelmoniem I. Art Unit 2116 Attorney Docket No. 42300P11491

				(4) Attorney Docket No. 42390P11491					
METHOD OF PAYMENT (check all that apply)									
☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):									
Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP									
For the	For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)								
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee									
Charge any additional fee(s) or underpayment of fee(s)									
FEE CALCULATION									
Large Entity Small Entity									
Fee	Fee		Fee	Fee Description Fee Paid					
Code	(\$)	Code	(\$)	i ee Description					
1051	130	2051	65	Surcharge - late filing fee or oath					
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.					
2053	130	2053	130	Non-English specification					
1251	120	2251	60	Extension for reply within first month					
1252	450	2252	225	Extension for reply within second month					
1253	1,020	2253	510	Extension for reply within third month					
1254	1,590	2254	795	Extension for reply within fourth month					
1255	2,160	2255	1,080	Extension for reply within fifth month					
1401	500	2401	250	Notice of Appeal					
1402	500	2402	250	Filing a brief in support of an appeal					
1403	1,000	2403	500	Request for oral hearing					
1451	1,510	2451	1,510	Petition to institute a public use proceeding					
1460	130	2460	130	Petitions to the Commissioner					
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)					
1806	180	1806	180	· · · · · · · · · · · · · · · · · · ·					
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))					
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))					
Other f	Other fee (specify)								
				SUBTOTAL (2) (\$)					
					<del></del>				

SUBMITTED BY					Com	Complete (if applicable)	
Name (Print/Type)	Joseph Lutz	<u> </u>	$\overline{\bigcirc}$	Registration No. (Attorney/Agent)	43,765	Telephone	(310) 207-3800
Signature	1/8	745/		$\overline{\mathcal{L}}$		Date	00-29-06

Based on PTO/SB/17 (12-04) as modified by Blakely, Solokoff, Taylor & Zafman (wtr) 12/15/2004. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Attorney's Docket No.: 42P11491

### **DETAILED ACTION**

## This non-final rejection is in response to the RCE/Amendment received on 06/06/03 Specification

1. The amendment to the specification filed 06/06/2003 has not been entered because it does not provide page numbers for the specification to such changes.

### Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the first paragraph of 35 U.S.C. 112:
  - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 3. Claims 44 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 44, lines 11-12, applicant uses the term "liquid flash-dry disinfectant composition is substantially free of a surfactant". Such a limitation cannot be found in the originally filled disclosure. The same applies to claim 48, lines 6-7.

#### Claim Objections

4. Claims 42-43 and 50-51 are objected to because of the following informalities:
Claim 42 refers to an aerosol apparatus. However, claim 42 depends on claim
40, which recites the limitation of an anti-microbial agent. The same applies to claims 43
and 50-51. Appropriate correction is required.